

**§ 900.106**

mediation will effectuate the purpose of the act and as to whether he will mediate.

**§ 900.106 Assignment of mediator.**

The Director of the Division shall assign a mediator, from the group designated by the Administrator, to act in such capacity.

**§ 900.107 Meetings.**

All meetings held pursuant to §§900.103 to 900.109 shall be held with and under the direction of the mediator.

**§ 900.108 Mediator's report.**

The mediator, upon the completion of mediation proceedings, shall submit to the Administrator a complete report on such proceedings.

**§ 900.109 Mediation agreement.**

An agreement arrived at by mediation shall not become effective until approved by the Secretary, and the Secretary will not approve an agreement if there is evidence of fraud, if there is a lack of evidence to support the agreement, or if the agreement provides for any unfair trade practice.

**§ 900.110 Application for arbitration.**

An application for arbitration by a cooperative shall be in writing and shall contain the following information:

- (a) Names in full of the parties to the dispute and their addresses;
- (b) The same information required under § 900.103(b);
- (c) Concise statement of dispute to be submitted;
- (d) Originals or certified copies of all contracts, if any, involved in the dispute, and of correspondence which has passed between the parties and of any other documents or information relied upon;
- (e) Dates before which it is desired that the hearing shall be had and the award shall become effective;
- (f) Suggested time and place for arbitration hearing.

The applicant shall send a copy of the application to each other party to the dispute.

**7 CFR Ch. IX (1-1-03 Edition)**

**§ 900.111 Inquiry by the Administrator.**

Upon receipt of an application for arbitration, the Administrator, through such officers or employees of the Service as he may designate, may make any inquiry deemed to be necessary or proper in order to determine whether a bona fide dispute exists, to assist the parties in reducing the dispute to well-defined issues, and to select an arbitrator who would be satisfactory to all parties.

**§ 900.112 Notification.**

The Administrator, acting on behalf of the Secretary, within a reasonable time after the receipt of an application, will notify the applicant as to whether he will grant the application.

**§ 900.113 Submission.**

(a)(1) Within a reasonable time after the receipt of the Administrator's consent to arbitrate, the parties to the dispute shall file with the Administrator a formal submission, which shall contain the following information:

- (i) Names in full of the parties;
- (ii) Addresses of the parties to whom all notifications and communications concerning the arbitration shall be sent;
- (iii) Description of the organization and businesses of all parties to the dispute, including sufficient information to show that the cooperative is a bona fide one, and that the parties are engaged in activities in the current of interstate or foreign commerce;
- (iv) Concise statement of the specific questions submitted and a brief outline of the contentions of each party to the dispute, and a statement as to the period of time during which the award shall be in effect, said period to be not less than thirty days from the effective date of the award;
- (v) Name of arbitrator;
- (vi) Time and place of arbitration, including street address;
- (vii) Stipulation by the parties that they will produce any books, records, and correspondence required by the arbitrator as being necessary to a fair determination of the dispute;
- (viii) Agreement by the parties that they will consider the award as final and will comply therewith;